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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,896	12/30/2004	Gavin Milton Steer	P70176US0	1053

136 7590 04/02/2007
JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
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WASHINGTON, DC 20004

EXAMINER

VERAA, CHRISTOPHER

ART UNIT	PAPER NUMBER
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3611

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/509,896

Applicant(s)

STEER, GAVIN MILTON

Examiner

Christopher E. Veraa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 45-47 is/are allowed.
- 6) ☒ Claim(s) 38,39,48-51 and 53-57 is/are rejected.
- 7) ☒ Claim(s) 40-44 and 52 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/30/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. Claim 41 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 40. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Objections

1. Claim 53 is objected to because of the following informalities: In line 2, "in that poster engaging means" should be changed to read "in that a poster engaging means". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 38 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Fohrman (US-4717110).

As to claim 38, Fohrman teaches a display frame comprising a resiliently flexible backing (50), a pair of channeled rails (40), a tensioning means (16), and a biasing means (52). A poster could be secured to the backing.

As to claim 39, Fohrman teaches a biasing means (52) that serves as a retaining means to secure the backing in the channels and could also engage a screen against the backing.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 48-51 and 53-57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fohrman (US-4717110) in view of Healy (US-6298591).

As to claim 48, Fohrman teaches a display frame with a channeled rails and a backing securing therein, with a biasing means included on the lower channeled rail. Fohrman lacks a flexible screen. Healy teaches a poster display frame with a flexible screen. It would be obvious to one of ordinary skill in the art to include a flexible screen as taught by Healy in order to protect a poster mounted on the backing.

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As to claim 49, Forhman teaches a display frame configured to engage the upper end of a poster adjacent the upper edge of a screen.

As to claim 50, Forhman teaches a display frame where the backing curves outward.

As to claim 51, Forhman teaches display frame where the backing is resiliently flexible and includes a tensioning means between the rails whereby the backing is flexed.

As to claim 53, Forhman teaches a display frame with a poster engaging means disposed adjacent the upper edge of a screen.

As to claim 54, Forhman teaches a resiliently flexible clip (52).

As to claim 55, It would be obvious to one of ordinary skill in the art to include a screen, poster and backing, and to secure all three layers using the same clip (52).

As to claim 56, the biasing means taught by Forhman is a resiliently flexible clip (52).

As to claim 57, The biasing means taught by Forhman is configured to engage the backing within the channeled rail.

Allowable Subject Matter

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6. Claims 40, 42, 43, 44, and 52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 45-47 are allowed.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Horwitt (US-2209972) teaches a picture frame where channeled rails are secured to the top and bottom edges of a picture with an elongate flexible element.

Deuchar (US-3169330) teaches a display frame where a backing and poster are flexed outwardly against their resilience.

Perutz et al (US-4700498) teaches a banner display frame where the banner is tensioned by resiliently flexible frame members.

Gelow (US-3056572) teaches a display easel where a backing member is flexed outwardly.

Sarkisian (US-4265040) teaches a display device where a backing is flexed outwardly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Veraa whose telephone number is 571-

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272-2329. The examiner can normally be reached on Monday through Friday, 7:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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